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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM :

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CRL.A.NO.255 OF 2020

Madhu

.. Appellant/Petitioner/
Accused No.2

vs.

1 The State represented by the
Deputy Superintendent of Police
Hosur
Krishnagiri District

2 The Inspector of Police
All Women Police Station
Hosur
Krishnagiri District

.. Respondents/Respondents/Complainants

3 Rajeshwari .. 3rd Respondent/De facto Complainant

Criminal Appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeking to set aside the order dated 08.06.2020 passed by the Principal Sessions Judge, Krishnagiri, in CrI.M.P. No.1339 of 2020 and enlarge the appellant on bail in Cr. No.6 of 2020 pending on the file of the Inspector of Police, All Women Police Station, Hosur, Krishnagiri District.

For appellant Mr.Kannadasan

For RR 1 & 2 Mrs.P.Kritika Kamal
Government Advocate (Crl. Side)

For R3 No appearance (notice served)

J U D G M E N T

This criminal appeal has been preferred seeking to set aside the order dated 08.06.2020 passed by the Principal Sessions



Judge, Krishnagiri, in CrI.M.P. No.1339 of 2020 and enlarge the appellant on bail in Cr. No.6 of 2020, pending on the file of the Inspector of Police, All Women Police Station, Hosur, Krishnagiri District.

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2 On the complaint lodged by "X", the police registered a case in Cr. No.6 of 2020 on 12.05.2020 for the offences under Sections 323, 376 and 109 IPC and Section 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against three accused and all the three were arrested on 15.05.2020.

3 The case of the prosecution is that the de facto complainant complainant was found talking to her friend by name Purushothaman on 07.05.2020 around 9.00 p.m. in a field and the accused 1 to 3 chased away her friend and ravished her.

4 It is seen that the de facto complainant is aged about 29 years. The alleged incident is said to have taken place on 07.05.2020 and the complaint was lodged only on 12.05.2020. Of course, delay in lodging of the complaint cannot be fatal in every case.

5 It is the contention of the learned counsel for the appellant that the de facto complainant was a divorcee and was found in a compromising position with Purushothaman in a deserted place, which was seen by the accused and in order to silence the accused, the de facto complainant contrived a case, as if the accused ravished her and lodged a complaint four days later, i.e. on 12.05.2020.

6 Notice has been served on the de facto complainant.

7 It is seen that Ramesh (A.1) was released on bail by the trial Court in CrI.M.P. No.1452 of 2020 on 22.06.2020 and Raja (A.3) was also released on bail by the trial Court in CrI.M.P. No.1501 of 2020 on 25.06.2020.

8 Taking into consideration the conspectus of the facts obtaining in this case and that the investigation is almost complete and also bearing in mind the fact that the co-accused have been released on bail, the order dated 08.06.2020 passed by the Principal Sessions Judge, Krishnagiri in CrI.M.P. No.1339 of 2020 is set aside and this criminal appeal deserves to be allowed.

9 Accordingly, the appellant is directed to be released on bail on he executing a bond for Rs.10,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal Sessions Judge,



Krishnagiri. On release on bail, the appellant shall appear before the trial Court everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required. Further, the sureties shall affix their photographs and left thumb impression in the surety bond and the Principal Sessions Judge, Krishnagiri, may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

In fine, this criminal appeal is allowed with the aforesaid conditions.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Deputy Superintendent of Police
Hosur, Krishnagiri District
- 2 The Inspector of Police
All Women Police Station
Hosur, Krishnagiri District
- 3 The Principal Sessions Judge
Krishnagiri
- 4 The Public Prosecutor
High Court, Madras.

Cr1.A.No.255 of 2020

VGI (CO)
CS/14/07/2020